



Federal Communications Commission  
Washington, D.C. 20554

JUL 24 1996

The Honorable Amo Houghton  
U. S. House of Representatives  
1110 Longworth House Office Building  
Washington, D.C. 20515-3161

DOCKET FILE COPY ORIGINAL

Dear Congressman Houghton:

Thank you for your letter of May 30, 1996, on behalf of your constituent, Robert A. Maytum, regarding the Commission's proposal to transition from licensing paging frequencies on a transmitter-by-transmitter basis to a geographic licensing approach. Mr. Maytum expresses concern that his existing paging channels will be awarded to someone else in a competitive bidding process.

On February 8, 1996, the Commission issued a Notice of Proposed Rule Making (Notice) in WT Docket No. 96-18 and PP Docket No. 93-253, which proposes to transition from licensing paging channels on a transmitter-by-transmitter basis to a geographic licensing approach. An important issue in the Notice is its potential impact on paging systems that have been licensed already on a site-specific basis. Under the proposal, incumbent licensees would be allowed to continue to operate under their existing site-specific authorizations or a single system-wide license and geographic licensees would be required to provide protection to all co-channel systems that are constructed and operating within their service areas.

Extensive comments have been filed in response to this issue, as well as the other issues proposed in the Notice. While I cannot prejudge the Commission's decision, I can assure you that we will carefully consider the comments of the paging industry and the concerns stated in your constituent's letter. It is also notable that on April 23, 1996, the Commission released a First Report and Order in WT Docket 96-18 and PP Docket 93-253, which adopted interim measures governing the licensing of paging systems and partially lifted the interim freeze for incumbent paging licensees. For your convenience and information, enclosed is a copy of the Press Release concerning the First Report and Order, which includes a summary of the principal decisions made. Specifically, small and medium sized incumbent paging companies will be permitted to expand their service areas if the proposed new site is

The Honorable Amo Houghton

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within 65 kilometers (40 miles) of an authorized and operating site. These interim rules will remain in effect until the Commission adopts final rules in the paging proceeding.

Thank you for your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward R. Garofalo" followed by a slash and the letters "for".

David L. Furth  
Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

Enclosure

AMO HOUGHTON  
31ST DISTRICT, NEW YORK

MEMBER:  
NORTHEAST-MIDWEST  
COALITION



Congress of the United States  
House of Representatives  
May 30, 1996

PRB  
PR-paging  
2874

COMMITTEES:

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AND MEANS  
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SUBCOMMITTEE ON HEALTH

COMMITTEE ON  
INTERNATIONAL RELATIONS  
SUBCOMMITTEE ON AFRICA

Mr. Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street N.W.  
Washington, D.C. 20554


Dear Reed:

Recently I received a letter from one of my constituents regarding the FCC proposal to auction off the radio channels they are currently using. I've enclosed a copy of the letter for your review.

Would you mind taking a look at this and getting back to me? Any assistance you might be able to provide would be greatly appreciated.

Again, thanks for looking into this. I look forward to hearing from you soon.

All the best,

  
Amo Houghton

AH/jc



**Dunkirk  
and Fredonia**  
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ROBERT A. MAYTUM  
PRESIDENT

APR 1 1996

March 27, 1996

*William -  
Any thoughts?  
G.*

Congressman Amory Houghton  
1110 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Houghton:

We provide paging service in the Western New York area. In addition to creating employment opportunities within the State of New York, we also provide a valuable communications service to doctors, ambulance services, sheriff departments, emergency road services, and others concerned with safeguarding the public welfare. We are extremely concerned about the proposal of the Federal Communications Commission to auction off the radio channels we are already using. This could have devastating consequences for our business.

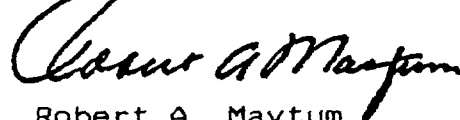
Paging systems require constant modification and expansion, in response to our customers' needs. As new factories are opened, new delivery routes are added, and offices are relocated, it is vital that we be able to expand our coverage to include these areas. We must also relocate and modify our paging facilities when new buildings or other obstructions block our paging signals. In 1993, when Congress authorized the FCC to auction radio spectrum, it specifically told the FCC that such auctions were to be limited to "initial" licenses, and that renewal and modification applications should not be subject to auctions. Despite the clear-cut mandate that existing systems should not be drawn into auctions, the FCC is seeking to do an end-run on this restriction, by creating "market area" licenses.

Under the market area license scheme, the FCC will sell off the rights to our frequency throughout a wide geographic area, such as the Rand McNally Major Trading Area. Many MTAs contain multiple states. In order for our business to be able to modify and expand our system in the future, as needed to respond to the marketplace, we would have to successfully bid on an area which is likely to be much larger than needed for our purposes. We would also have to commit to constructing our paging system throughout this larger area, even if our revenues in future years are not sufficient to do so. Failure to meet this arbitrary buildout requirement would result in a loss of the license. We will be even worse off if we lose the auction, since the winner will be able to prevent us from modifying or expanding our system, and may be able to locate its transmitters close enough to our system to cause interference.

Our company constructed its paging system in reliance on well established FCC rules. We have expended considerable resources building our business. It is grossly unjust for the FCC to now change the rules in mid-stream, in a way that threatens to strand our investment and jeopardize our business. Therefore, we ask that you immediately clarify for the FCC the intent of your 1993 auction legislation: Existing paging channels are not to be auctioned through market area licensing.

Thank you in advance for your prompt assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Maytum". The signature is written in a cursive, flowing style with a large initial 'R'.

Robert A. Maytum  
President and General Manager